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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,660

12/31/2003

Jeffrey Jose Calderas

GP-304302

2817

7590

08/09/2005

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EXAMINER

TSIDULKO, MARK

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No. 10/748,660	Applicant(s) CALDERAS, JEFFREY JOSE	
	Examiner Mark Tsidulko	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19-27 is/are rejected.
- 7) ☒ Claim(s) 14-18, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to Claims 1, 8, 20 and 23 it is unclear what Applicant intends by “*the dark surface having a high gloss finish to reflect light from the LEDs, while the dark surface absorbs visible light*”. How the dark surface can reflect and absorb the light in a same time? As shown on Fig.9 of the instant application only side walls of the light opening of the bezel reflect the light from the LED. Also, referring to Claim 1, it is unclear what Applicant intends by “*other sources*”?

Claims 2-7 are rejected as claims depended on claim 1.

Claims 9-19 are rejected as claims depended on claim 8.

Claims 21, 22 are rejected as claims depended on claim 20.

Claims 24-29 are rejected as claims depended on claim 23.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Roberts et al. (US 2002/0149312).

Referring to Claim 1, as best understood, Roberts et al. disclose (Fig.8) an arrangement of LEDs supported within the automotive lamp (page 1, [0007]) having a bezel [2601] having dark surface for absorbing the light (page 4, [0057] and a lenses [2631] covering the arrangement of the LEDs.

Referring to Claims 2, 22 Roberts et al. disclose (Figs.7, 8) a plurality of the clear lenses [2631] arrange on a frame (second substrate) [2630] which can include a mask that may be a reflective or diffusive or be a filter or be used to obtain various optical qualities (page 8, [0081]). Provide the mask with a black color which, as well known in the art, absorbs a visible light, will allow to eliminate mixing an ambient light and the light generated by the plurality of the LEDs and therefore to increase the visibility of the LEDs.

Referring to Claims 4-6, 21 Roberts et al. disclose a various colors of the LEDs. It is understood, that any desired colors of LEDs may be used in any desired arrangement, what is a matter of the design choice, because do not change the functionality of the device and used for an aesthetic appearance only.

Referring to Claim 7 Roberts et al. disclose that a lamp may be a break or signal (stop) lamp (page 1, [0007]).

Referring to Claim 8, as best understood, Roberts et al. disclose (Fig.8) an arrangement of LEDs supported within the automotive lamp (page 1, [0007]) having a bezel [2601] with a dark

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surface for absorbing the light (page 4, [0057] and a lenses [2631] covering the arrangement of the LEDs, and a housing (page 8, [0084]). Roberts et al. also disclose a various colors of the LEDs. It is understood, that any desired colors of LEDs may be used in any desired arrangement, what is a matter of the design choice, because do not change the functionality of the device and used for an aesthetic appearance only.

Referring to Claim 19 Roberts et al. disclose (Fig.8) a third array of the LEDs.

Referring to Claim 20, as best understood, Roberts et al. disclose (Fig.8) an arrangement of LEDs supported within the automotive lamp (page 1, [0007]) having a bezel [2601] with a dark surface for absorbing the light (page 4, [0057] and a lenses [2631] covering the arrangement of the LEDs, and a housing (page 8, [0084]). Roberts et al. also disclose a various colors of the LEDs. It is understood, that any desired colors of LEDs may be used in any desired arrangement, what is a matter of the design choice, because do not change the functionality of the device and used for an aesthetic appearance only.

Referring to Claim 23, as best understood, Roberts et al. disclose (Fig.8) an arrangement of LEDs supported within the automotive lamp (page 1, [0007]) having a bezel [2601] with a dark surface for absorbing the light (page 4, [0057]) and a lenses [2631] covering the arrangement of the LEDs, and a housing (page 8, [0084]). Roberts et al. also disclose a various colors of the LEDs. It is understood, that any desired colors of LEDs may be used in any desired arrangement, what is a matter of the design choice, because do not change the functionality of the device and used for an aesthetic appearance only.

The rear lamps of the vehicle are inherently disposed on the opposite sides of the vehicle. The center top light (CHMSL) (page 1, [0007]) inherently provides a red light illumination.

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Referring to Claim 24 Roberts et al. disclose (Fig.8) a first and a second arrays of the LEDs that are extended vertically in adjacent columns on bezel [2601]. An array of CHMSL is inherently horizontally disposed.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the frame (second substrate) with the black mask in order to increase the visibility of the LEDs.

Claims 9-13, 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (US 2002/0149312) in view of Gordon (US 6,220,733).

Referring to Claims 9, 13, 25 Roberts et al. disclose the instant claimed invention except for a passive reflector.

Gordon discloses a vehicle lighting system having a passive reflector to make vehicle more visible from the side (col.1, lines 35-44). Passive reflector inherently facing outwardly from the vehicle and may obtain any desired shape and location of mounting.

Referring to Claims 10-12 Roberts et al. disclose (Fig.8) a first and a second arrays of the LEDs that are separate and extended vertically in adjacent columns on bezel [2601]. The break lights are inherently arranged outboard of each other.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the passive reflectors, as taught by Gordon, for the device of Roberts et al. for the purpose of detection of the vehicle in a dark.

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Claims 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (US 2002/0149312) in view of Terao (US 5,172,972).

Roberts et al. disclose the instant claimed invention except for sidewardly facing LED positioned in a sidewardly facing portion of the bezel.

Terao discloses (Fig.1) sidewardly facing light source [101] positioned in a sidewardly facing portion of the bezel [3]. It is understood, that any type of the light source known in the art may be used for the device.

Since Roberts et al. disclose a plurality of the arrays of the LEDs, it will of course be understood, that any array may be used for sideward directed illumination by bending the bezel in a sideward direction.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the sidewardly facing LED, as taught by Terao, for the device of Roberts et al. in order to increase the visibility of the rear light.

Allowable Subject Matter

Claims 14-18, 28, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claims 14, 28, 29 the prior art of record fails to show the power supply having a first mode of a reduced duty cycle for illuminating the LEDs of the first array only as tail lights and having a second mode activated by braking system delivering current at a higher

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percentage of the duty cycle to the LEDs of the first array illuminating the LEDs of the first array more brightly to provide brake lights.

Claims 15-18 are objected as claims depended on claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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M.T.
July 28, 2005



JOHN ANTHONY WARD
PRIMARY EXAMINER